SUPREME COURT OF THE UNITED STATES.

No. 200.

THE UNITED STATES, APPELLANTS,

vs.

BERNARDO YORBA.

APPEAL FROM THE DISTRICT COURT U. S. FOR THE SOUTHERN DISTRICT OF CALIFORNIA.

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GIDEON, Print.

Transcript of the proceedings in case No. 387, *Bernardo Yorba, claimant,* vs. *The United States, defendant, for the place named Cañon de Santa Anita.*

OFFICE OF THE BOARD OF COMMISSIONERS
To ascertain and settle the private land claims in the State of Cal'a.

Be it remembered, that on this ninth day of October, anno Domini one thousand eight hundred and fifty-two, before the commissioners to ascertain and settle the private land claims in the State of California, sitting as a board in the city of San Francisco, in the State aforesaid, in the United States of America, the following proceedings were had, to wit:

The petition of Bernardo Yorba, for the place named "Cañon de Santa Anita," was presented, and ordered to be filed and docketed with No. 389, and is as follows, to wit:

(Vide page 3 of this Transcript.)

Upon which petition, the following subsequent proceedings were had in their chronological order, to wit:

LOS ANGELES, *October 15th*, 1852.

In case No. 387, Bernardo Yorba, for the place named "Cañon de Santa Anita," the deposition of Ignacio F. Coronel, a witness in behalf of the claimant, taken before Commissioner Hiland Hall, with document marked H. H. A., and the translation thereof, marked *a*, annexed thereto, was filed.

(Vide page 3 of this Transcript.)

LOS ANGELES, *October* 19, 1852.

In the same case, the deposition of Abel Stearns, a witness in behalf of the claimant, taken before Commissioner Hiland Hall, was filed.

(Vide page 5 of this Transcript.)

SAN FRANCISCO, *September* 26, 1853.

Case No. 387 called, submitted on briefs, and taken under advisement.

SAN FRANCISCO, *Jan.* 24, 1854.

In the same case, Commissioner R. Aug. Thompson delivered the opinion of the board confirming the claim.

(Vide page 31 of this Transcript.)

Petition

To the honorable Commissioners for ascertaining and settling private land claims in California:

Bernardo Yorba respectfully represents, that on the 30th of July, 1834, a concession of land was made to him by José Figueroa, then governor of California, acting under authority of the laws then in force,

which concession was, in due form, approved by the Territorial Deputation on the 31st of July, 1834, and a formal grant of the land as title was issued to him on the 1st of August, 1834. That the land thus granted is called the "Cañon de Sta. Ana," with boundaries defined in the title, containing three leagues more or less, and is situated in the present county of Los Angeles. That judicial possession of the land was given to him on the 11th of December, 1834. That he has lived upon the land since the date of the grant, or a short time thereafter; he knows of no other claim to any part of the land.

He herewith files the original grant and act of judicial possession, marked "Exhibit A," with a translation thereof, marked "*a*," and relies in support of his claim upon said documents, and such other evidence as he may hereafter present, and prays the confirmation of his title.

A. P. CRITTENDEN,
Atto. for Claimant.

Filed in office October 9th, 1852.

GEO. FISHER, *Sec'y.*

Deposition of I. F. Coronel.

OFFICE U. S. LAND COMMISSION,
LOS ANGELES, *Oct. 15th*, 1852.

On this 15th day of October, 1852, before me, Hiland Hall, one of the commissioners for ascertaining and settling private land claims in California, personally appeared Ignacio Coronel, a witness produced on the part of Bernardo Yorba, claimant of "El Cañon de Santa Ana," which claim is No. 387 on the docket of said commissioners, who, being duly sworn, testified as follows—the associate law agent of the United States having been notified and attending:

Question first. What is your name and age? Where do you reside? If in California, how long have you resided here?

Answer. My name is Ignacio F. Coronel. I am fifty-eight years of age. I live in Los Angeles, and have resided in California about nineteen years.

Question second. Are you acquainted with the signature of José Figueroa, Agustin V. Zamorano, José Matias Moreno, and José Perez?

Answer. I am.

Question third. Examine the document on file in this case, marked exhibit "A," and say whether or not the signatures of said persons are genuine.

Answer. I have examined said document; the signatures of José Figueroa and Agustin V. Zamorano to the title of Zamorano to the certificate accompanying it, of José Matias Moreno to the certificate endorsed on the diseño, and of José Perez, whenever it appears in the act of judicial possession, are all genuine.

Question fourth. Who was governor of California on the 1st of August, 1834, and who was secretary?

Answer. Don José Figueroa was governor, and Agustin V. Zamorano secretary.

Question fifth. Who was secretary in May, 1846?

Answer. José Matias Moreno was acting as secretary at Los Angeles in the absence of José Ma. Covarrubias, the regular incumbent.

Question sixth. Who was the first alcalde of the jurisdiction of Los Angeles during the month of December, 1834.

Answer. Dn. José Perez was first alcalde, and judge *and judge* of the first instance.

IGO. F. CORONEL.

Sworn and subscribed before

HILAND HALL, *Com'r.*

Filed in office, Oct. 15, 1852.

GEO. FISHER, *Sec'y.*

Deposition of Abel Stearns.

OFFICE OF THE U. S. LAND COMMISSION, LOS ANGELES.

On the 19th day of October, 1852, before me, Hiland Hall, one of the commissioners for ascertaining and settling private land claims in California, personally appeared Abel Stearns, a witness produced on behalf of Bernardo Yorba, claimant of "El Cañon de Sta. Ana," in the case which is No. 387 on the docket of said commissioners, who, having been duly sworn, testified as follows—the associate law agent of the United States being present:

Question first. What is your name, and age? Where do you reside? If in California, how long have you resided here?

Answer. My name is Abel Stearns; my age is fifty-four years, and I reside in Los Angeles, where I have resided for many years, having lived in California ever since the year 1829.

In answer to further questions by the counsel for the claimant, the witness testified as follows: I am acquainted with the rancho Cañon de Sta. Ana. It is situated on the northwest side of the River Sta. Ana, and is bounded by the river. I was employed as surveyor at the giving of juridical possession of the land to Bernardo Yorba, and my signature is attached to the record of such possession, which is now shown me. The alcalde who gave the possession was José Perez, in the year 1834. The paper showing such proceedings is a genuine paper, and the proceedings took place as therein stated; said paper is document A, annexed to the deposition of I. F. Coronel in this case. At the time of the giving of judicial possession Yorba had a house on the land, in which he lived with his family; he had a stock of cattle and horses; he has resided there ever since. He has always been one of the most extensive cultivators of land in this section

of the country. He has two vineyards, and at this time has not less than eight thousand head of cattle, with numbers of horses and sheep.

ABEL STEARNS.

Sworn and subscribed before me,

HILAND HALL, *Com'r.*

Filed in office, Oct. 19th, 1852.

GEO. FISHER, *Sec'y.*

[*For map see original, page 7.*]

Espediente perteneciente a D. Bernardo Yorba del rancho de San Antonio del Cajon.

Año 1834.

Sello Primero, Seis Pesos.

Habilitado provicionalmente por la administracion de la Aduana Maritima de Monterey, para los años de mil ochocientos treinta y cuatro y mil ochocientos treinta y cinco.

FIGUEROA,
RAFAEL GONZALEZ.

José Figueroa, General de Brigada del Ejercito de la republica [SEAL.] Mejicana, Commandante General, Ynspector y Gefe Superior Politico del Territorio de la Alta California.

Por cuanto el ciudadano Bernardo Yorba, Mejicana por nacimiento, ha pretendido para su beneficio personal y el de su familia el terreno conocido, con el nombre del Cañon de Santa Ana, colindante con la mision de San Gabriel y rancho de Santa Ana y Santa Gertrudes; practicados previamento las diligencias y averiguaciones concernientes segun lo dispuesto por leyes y reglamentos; usando de las facultades que me son conferidas y de conformidas con el acuerdo de la excelentisima diputacion territorial, del dia treinta y uno de Julio, aprovando la concesion del citado terreno del Cañon de Santa Ana, hicho en decreto de treinta del mismo mes al referido Ciudadano Bernardo Yorba: á nombre de la nacion Mejicano, he venido en conferir le el terreno mencionado, declarando le la propriedad de el por las presentes letras, y sujeto á las condiciones siguientes:

1a. Que se sometera á las ql. estableciere el reglamento, que se ha de formar para la distribucion de terrenos valdios, y que entre tanto ni el egraciado ni sus herederos podran dividir ni enagenar el que se les

adjudica: imponer senso, vinculo, fianza hipoteca ni otro gravamen aunque sea por causa piadosa, ni pasarle a manos muertas.

2a. Podra cercarlo, sin perjudicar las traversias caminos y servidumbres, lo disfrutará libre y exclusivamente, destinandole al uso ó cultivo ql. que mas le acomode, pero dentro de un año fabricara casa y estará habitada.

3a. Solicitara del juez respectivo ql. le de posecion juridica, en vertud de este despacho, por el cual se demarcaran los linderos en cuyos limites pondra a mas de las mojoneras algunos, arboles, frutales, ó silvestres de alguna utilidad.

4a. El terreno de ql. se hace mencion es de tres sitios de ganado mayor, poco mas o menos segun esplica el diceño, ql. corre en el espediente el juez ql. diere la posecion lo hará medir conforme a ordenanza, para señalar los linderos quedando el sobrante que resulte á la nacion para los usos convenientes.

5a. Si contraviniere á estas condiciones perderó su derecho al terreno y sera denunciable por otro.

En consecuencia mando ql. teniendose por firme y valedero este titulo se tome razon, de el en el libro á que corresponde y se entreque al interesado para su resguardo y demas fines. Dado en Monterey, á primero de Agosto, de mil ochocientos treinta y cuatro.

JOSE FIGUEROA.
AUGUSTIN V. ZAMORANO, *S'rio.*

Queda tomada razon de este titulo sobre adjudicacion de terrenos á fojas cuarenta y cinco numero cuarenta y tres, que obra en la secretario de mi cargo. En Monterey, á tres de Agosto, de mil ochocientos treinta y cuatro. ZAMORANO.

En el pueblo de ntra. S'ra de los Angeles de la Alta California, á diez de Dbre., de mil ochocientos treinta y cuatro, ante mi, José Perez, alcalde cons'l de esta jurisdicion, por cuanto D. Bernardo Yorba ha manifestado la necesidad que tiene de q. se le de la juridica posecion del terreno, que se le ha adjudicado, anuente con la prevencion tercera del despacho q. q. obtiene de la prefectura de este territorio, prosedi en union de los testigos de asistencia. El juez que subscribe, asi lo mando, decreto y firmo, de que doy fee.

En el rancho llamado Cañon de San Ana, jurisdicion del pueblo de los Angeles, á once de D'bre, de mil ochocientos treinta y cuatro, á fin de prosedir a la medicion de dho. terreno pa. dar la juridica posecion de los tres citios que corresponden al interesado, nombré por oficial agrimensor á D. Abel Stearnes, y por cordeleres á los ciud'as Julian Manriques y Pedro Peres, á los cuales recibi juramento que otorgado ante mi, y los testigos de asistencia, por el que hisieron desempeñar fiel y legalm'te el encargo que se les pabia conferido y al efecto firmó, con migo el agrimensor ante los testigos de mi acistencia, menos los cordeleros que no saben. JOSE PEREZ.

De ass'a: MANUEL ARREGA,
VICENTE MORAGA.

En el rancho mencionado dia, mes y año, en prosecucion de las presentes diligencias; hise alistar una cuerda acida en sus estremos y unos palos y habiendonos cituados á orillas del rio, se tiró la cuerda rumbo al oeste 16 grados al sur y se midieron y contaron quince mil varas en donde mandé pones la correspondiente mohonera. Seguidam'te se signe la medida rumbo al norte 5 grados de oeste, y se contaron y midieron cinco mil quinientos varas. En seguida se tiró la medida rumbo al este 16 grados al norte y midieron y contaron catorce mil varas, de este punto se siguié la medida rumbo al sur 40 grados de esta hasta el rio, contando cinco mil docientos varas; dejando algo el sobrante por el punto del este y poniendo donde correspondio, las respectivas mohoneras; concluyose este acto lo firmaron por ante mi actuando en papel comun por no haber del que corresponda.

JOSE PEREZ,
ABEL STEARNES.

De ass'a: MAN'L ARRAGA,
VICENTE MORRAGA.

Filed in office, Oct. 15th, 1852.

GEO. FISHER, *Sec'y.*

Translation of original title and act of possession.

Sello Primero, Seis Pesos.

Furnished provisionally by the administration of the custom-house of Monterey, for the years 1834 and 1835.

FIGUEROA,
RAFAEL GONZALES.

[Governo politico de la Alta California.] José Figueroa, brigadier general of the army of the Mexican republic, general commanding, inspector and superior political chief of the Territory of Upper California: Whereas, the citizen Bernardo Yorba, a Mexican by birth, has asked, for his personal benefit and that of his family, the land known by the name of the "Cañon de Santa Ana," bounded by the Mission of San Gabriel and the Ranchos of Santa Anna and Santa Gertrudes;—the proceedings having been taken and inquiries made, as required by the laws and regulations, in the exercise of the powers which are conferred upon me, and in conformity to the decree of the Territorial deputation of July 31st, approving of the concession of the said land of the "Cañon de Santa Ana," made the 30th of the same month to the said citizen, Bernardo Yorba; in the name of the Mexican nation I have granted him the said land, declaring it his property by these presents, subject to the following conditions:

1st. That he shall submit himself to those which may be established by the regulation to be adopted for the distribution of vacant lands, and that, in the meanwhile, neither the grantee nor his heirs shall have power to divide nor alienate what is adjudicated to him, nor impose on it any tax, entail, reversion, mortgage, nor other charge, though for pious cause, nor convey it in mortmain.

2d. He may enclose it without injuring the crossings, roads or servitudes. He shall enjoy it freely and exclusively, applying it to the use or cultivation that best suits him, but within one year at the most he shall build a house, and it shall be inhabited.

3d. He shall solicit the proper judge to give him the judicial possession in virtue of this decree, by whom the boundaries shall be marked out, on which he shall put, in addition to the monuments, some fruit trees or forest trees of some utility.

4th. The land herein mentioned is three leagues de ganado mayor, a little more or less, as explained in the map (diseño) attached to the espediente. The judge who may give the possession shall have it measured, in conformity to the ordinance to mark its boundaries, leaving the surplus which remains to the nation for the appropriate uses.

5th. If he should violate these conditions he shall lose his right to the land, and it may be denounced by another. Wherefore, I order that this title, being held firm and valid, be recorded in the book to which it belongs, and be delivered to the party for his security and other objects. Given at Monterey the 1st of August, 1834.

JOSÉ FIGUEROA,
AGUSTIN V. ZAMORANO.

In the pueblo of Our Lady of the Angels, of Upper California, this 10th day of Dec., 1834, before me, José Perez, constitutional alcalde of this jurisdiction.

Whereas, D. Bernardo Yorba has shown the necessity of his having judicial possession of the land adjudicated to him according to the 3d condition of the decree, issued to him by the gov't of this Territory, let assisting witnesses go with me to the said place called the "Cañon de Santa Ana." I, the subscribing judge, so order and sign, to which I certify. JOSÉ PEREZ.

Assg.: MAN'L ARRAGA,
Assg.: VIC'T MORAGA.

On the rancho called the "Cañon de Sta. Ana," in the jurisdiction of the pueblo of Los Angeles, on the 11th of Dec'r, 1834, for the purpose of proceeding to the measurement of said land, in order to give to the party judicial possession of the three leagues which belong to him, I named as official surveyor Don Abel Stearns, and for chain-bearers the citizens Julian Manriquez and Pedro Perez, to whom I administered an oath, which was taken before me and the assisting witnesses, that they would faithfully and legally discharge their duties. Signed with me by the surveyor, before the assisting witnesses, the chain-bearers not knowing how to write.

ABEL STEARNS,
JOSÉ PEREZ.

Assg.: MAN'L ARRAGA,
Assg.: VICTOR MORAGA.

At the said rancho, on the same day, month and year, to prosecute the proceedings, I caused a cord to be prepared, having stakes of wood at its extremities, and we being on the banks of the river, the line was run west 16° south 15,000 varas, where I ordered a land-mark to be placed; thence N. 9° W. 5,500 varas; thence east 16° north 14,000 varas; thence south 40° east 5,200 varas to the river, leaving some surplus on the east, and placing the proper monuments where they belonged. This act being concluded, was signed before me on common paper, there being none sealed.

JOSE PEREZ,
ABEL STEARNS.

Assg.: MAN'L ARRAGA,
Assg.: VINCENTE MORRAGA.

Filed in office, October 9th, 1852.

GEO. FISHER, *Sec'y.*

Jurisdicion del Pueblo de los Angeles.—No. 43.—Año de 1834.

Espediente.

Sobre el paraje nombrado el Cañon de Santa Aña solicitado por D. Bernardo Yorba.

PUEBLO DE LOS ANGELES, 26 *de Febro., de* 1834.

De conformidad con la ley de la materia, informe el Il'tre Ayuntam'to del pueblo de los Angeles, si el interesado en esta instancia obtiene los requisitos prevenidos para ser atendido, si el terreno q'l pretende esta comprendido en las veinte leguas limitrofes, o dies litorales q'l espresa la ley de 18 de Agosto, de 1824, si es de regadio temporal o abrevadero, si pertenece a propiedad particular o corporacion pueblo, con todo lo demas, que sea comben'te para ilustrar lo materia. Evacuado esto pasará el espediente al padre minist'ro de la Mision de San Gabriel, para q. informe lo que le ocurro. El S'or Don José Figueroa, g'ral de brigada, comand'te gefe sup'r politico del territorio de la Alta California, asi lo mando, decreto y firmo, de que doy fee.

JOSE FIGUEROA.

S'or Gefe Superior Politico:

Bernardo Yorba, vicino y radicade en el rancho de Santa Ana, perteneciente á la jurisdicion del pueblo de los Angeles, a V. S. con el mejor forma y a mi derecho convenga; me precente y digo, que habiendo sido casado de primeras mugeras, de cuyo matrimonio tubo tres hijos llamados Raymondo, Tues y Romero, al ponerme es el estado segun vez por muerte por mi citados tres hijos, con algunos bienes de campo con q'l de mi legitima propriedad y ase y actualm'te poses y siendo esta una cantidad, que de el por si demanda se lepo el corto terreno que ocupaneos cuatro hyjas me ves en la posecion y la necesitad de solicitar de la consideracion de V. S. ql. se sirva concederme a

beneficio de mis tres referidos hijos el terreno que ocupa; el sitio conocido con el nombre del Cañon de Sta. Ana, colindante con el rancho de este nombre el de Santa Gertrudis y la mision de Sta. Gabriel. Si todo el sitio es abrevadero y muy quedabro, conteniendo de siete mil varas de sur al norte, y trece mil dosientos cincuenta de oriente á poniente, con tres pequeños aguajes ni de propiedad alguno ni tampoco es comprendido en las veintas leguas limitrofes o diez litorales q'l espresa la ley para el efecto debidamente acompaño el repetido diseño, que dara á V. S. una esacta ideo del espresado terreno y tambien pará proveer todo lo que dejo espuesto. Por tanto á V. S. pido y suplico de digne aceder á esta solicitud previas las correspondientes informes de cuya gracia viviré reconocido, sirviendose recibir este en papel comun p'r pues, no lo huy en esta poblacion del sello correspondiente.

BERNARDO YORBA.

Pueblo de los Angeles, Feb'o 15, de 1834.

PUEBLO DE LOS ANGELES, 26 *de Febro., de* 1834.

De conformidad con la ley de la materia, informe el Iltre Ayuntam'te del pueblo de los Angeles, si el interesado en esta instancia obtiene los requisitos prevenidos para su atendido, si el terreno q'l pretende esta comprendido en las veinte leguas limitrofes, o dies litorales q'l espresa la ley de 18 de Agosto, de 1824, si es de regadio temporal o abrevadero, si pertenece a propiedad particular o corporacion, pueblo con todo lo demas, que sea comben'te para ilustrar la materia. Evacuado esto pasará el espediente el padre minist'ro de la mision de San Gabriel, para q'l informe lo que le ocurro. El S'or Don José Figueroa, gen'l de brigada, comand'te Gefe sup'r politico del territorio de la Alta California, asi lo mando, decreto y firmo, de que doy fee.

JOSE FIGUEROA.

PUEBLO DE LOS ANGELES, *Marzo* 6, *de* 1834.

En virtud de este antecedente decreto del S'or gefe politico del territorio, informe este Iltre Ayuntamiento que el ciud'o Bernardo Yorba es un individuo de conocido orden, que tiene todos los requisitos provenidas para su atendido, en la gracia que solicita, que el terreno q'l pretende no es comprendido en las veinte leguas limitrofes no en diez litorales, q'l espresa la ley de 18 de Agosto, de 1824, que es todo de abrevadero con tres pequeños aguajes no el esisten; q'l se comprende como baldio p'r no hallarse en el ningunos bienes domesticos, y solo si un corto numero de ganado bacuno y caballada de la misma clase, todo de propiedad comun colindante son las ranchos de Santa Ana, Sta. Gertrudis y Mision de San Gabriel, a cuanto tiene q'l informará este ayuntam'to sobre el particular.

JOSE PEREZ.
VICENTE MORRAGO, *S'rio.*

MISIÓN DE SN. GABRIEL, 17 *de Marzo, de* 1834.

En virtud del informe q'l dicha mision se lepido respeto del sitio conocido, con el nombre Cañon de Sta. Ana, colindante con el rancho

de Sta. Ana de S'to, de Sta. Gertrudis, y la mision dijo que el terreno q'l solicita Dn. Bernardo Yorba, ha sido y es terreno no valdio sino ocupado por bienes de la mision, cuya propiedad reside en el, desde el tiempo en que las S'ores Yorbas crecian de ganado mayor, hasta la fecha segun el un animo testimonio de todos los neofitos encargados del rancho de Sta. Ana, en virtud que por las continuas corridas de caballada se ha ayentado un poco de ganado por las tomerias y otras puntas; como conota el mismo interesado que puedo afirmar que mando los neofitos de esta mision daban en vodeo los Señores Yorbas se paraban, el suyo quedandose la mision se ha mencionada en pacifica procecion de eguel terreno a mas al Ciud'no Francisco Felis, que encargado por el finado p. Fran. aretes de su fallacimento afin de que se reconociera, dicho punto con el diseño de plantar un nueve rancho en el mismo punto, con el diseño de que dicho individuo de mayordomo en el para atender y cuidar del copioso numero de ganado mayor, que haien en rancho de Sta. Ana, con la unica misma de cuya en parte los propicios tan grandes que redundase en propio de la mision, por los continuas mantanas q'l se habian en aquel punto y sus contones, Murió el R. P. Teo. José Sanchez y se guido la cosa ambos que lo soy de parener; que con dichos terrenos a d'ho abuscan la raison del rancho de Sta. Ana. Es quando tengo que informe sobre el particular.

D. THOMAS ESTENAGA.

PUEBLO DE LOS ANGELES, *Abril* 7, *de* 1834.

El Ittre Ayuntamiento de este pueblo atento al antecedente informe del R. d. P. Tomas Estenago mto. de la mision de San Gabriel, en que contraria el que dio d'ho corporacion con f'ha 6 de Marzo ulto., ha dice puesto espone en obsequio de su monos, y de la integridad con que ha procedido ace anuente lo siguiente. Que el terreno pretendido por el Ciudo. Bernardo Yorba, se haga bajo el que y circum'l? Que en el espresado informe de 6 de Mayo de la aprobacion, y en testimonio de la verdad pone de emplenar de que en el año de 1824, siendo mtro. de la citada Mision el R. P. F'r. José Sanchez, el mayordomo Francisco Felis, se atrevió seguramente por orden de dicho padre a determinar á la mision que aquel terreno no era de su propriedad indemé los perjuicios que por d'ho utendo resultarán á devulta y el reptdo. mayordomo efectuar de su autoridad fué corregió como previa su hécho. Este incontinente contados pa. q'l el podran dar si necesarias fueré, acreditarán seguramente que el R. P. se halla equivoco en el concepto que se ha formado con referencia á este terreno segun lo manifiestan sus informes.

JOSE PEREZ.
VICENTE MORRAGA, *Scrio.*

MONTEREY, *Mayo* 10, *de* 1834.

Pasé al alcalde del pueblo de los Angeles, ante quien la parte de Bernardo Yorba producirá una informacion de tres testigos idoneos, que sean interrogados sobre los puntos siguientes: 1o, si el solicitante es Ciudo. Mejicano por nacimiento, si es casado y tiene hijos. Si es de buena conducta; 2o, si el terreno q'l pretende pertenece á la propi-

sdad de algun particular, mision pueblo á corporacion, si es de regadio temporalo abrevadero y q'l estension tendra; 3o. Si tiene bienes de campo con q'l poblar o possibilidad de adquerirlos. Evacuadas estas diligencias, vuelva el espediente para su resolucion El S'or D. José Figueroa, General de Brigada, Comand'te General y Gefe Superior Politico de la Alta California, asi lo mandó, decreto y firmo, de que doy fee.

JOSE FIGUEROA.
AGUSTIN V. ZAMORANO, *Scrio.*

PUEBLO DE LOS ANGELES, *Junio* 9, *de* 1834.

Recibido el presente espediente, evacuadas las declaraciones, que esta el decreto de la del mes pasado y concluydos, devuelvará el original á la prefectura, para los fines q'l sean consiguientes José Perez, alcalde cons'l del pueblo de los Angeles, asi lo acordo, mando y firmo, con testigos de acistencia. Segun d'ro.

JOSE PEREZ.

Ass'a: MANUEL ARRAGA,
De ass'a: VICENTE MORRAGA.

En el mismo dia, mes y año, sieudo presente el Ciudo. José Zeferino Reyes de este vecinidad lo recibi juram'to que hizo en toda forma de d'ho por Dios nuestro Señor, y una senal de la Cruz, y de cuyo cargo ofreció decir verdad en lo q. supiere y fuese preguntado y siendolo sobre los particulares a que a contrahe el decreto precedente el cual se le leyo, integro digo: que cuando al Ciudo. Bernardo Yorba que se natural, se hasta de este territorio, cassado en segunda nupcias y tiene seis hijos, y varones y mugeres, q'l se a conducta es incorigible y notoria ser es hombre de bien, que el terreno nombrado como es baldio que pertenece á propiedad ninguna por el paraje es de riego, que ace con el rio q'l daban de S'ta Ana, que la estencion del terreno es de tres o cuatro leguas de largo y una y de medio de ancho pocho mas o menos, q'l tiene bienes suficientes de campo para poblar lo tanto de ganado como de caballada, que lo dicho es la verdad á cargo de juramento q'l tiene hecho en q'l se le afirmo y ratifico, le dio que le fué la declaracion esperando ser mayor de treinto años, casado y natural de este pueblo, y no firmó p'r no saber lo hiro yo y los testigos de acistencia. Segun derecho—Esto Ve. ancho—vale—tachado—largo—no vale.

JOSE PEREZ.

Ass'a: MANUEL ARRAGA,
Ass'a: VICENTE MORRAGA.

En la fecha siendo presento D. Juan Perez á su persona le recibi juram'to ql. higo en señal de forma de d'ho pr. Dios nuestro Senor, y la señal de la Cruz, bajo cuyo cargo ofrecio decir verdad, en lo ql. recibiré y fuere interrogado y siendolo sobre los puntos ql. indica el decreto del S'or Gefe Politico fha lo del pasado, responde que el S'or D. Bernardo Yorba, es un hombre de buena fama y conducta y es en buenas circunstancias dicho sujeto es casado en Sant Ana y donde es natural ql. tiene tres hijas y tres hijas, que el paraje nombrado el Cañon, no

pertenece á ninguna propiedad y sus siembras las hace el referido Yorba, ql. ratifico de riego, que hace del Rio de Sant Ana, este paraje á su juntos, tendra cuatro leguas de largo y una de ancho, ql. tiene bastante ganado y caballada, pues en Sant Ana, nadie tiene mas bienes que el Bernardo Yorba; que digo que lo espuesto es la verdad á cargo de juram'to que tiene hecho en el que se afirmó y ratificó, les de que les fué en esta esposicion. Espresando el mayor de 35 años, casado y natural de este pueblo no firmo por no saber lo hice yo y los testigos de as'ta con quienes actuo, segun derecho.

JOSE PEREZ,
MANUEL ANZAGO.

Ass'a: VICENTE MORRAGA.

En el mismo dia, mes y año, siendo presente en este jusgado de mi cargo, D. Seferino Ruis en su persona, lo recibi juram'to ql. otorgó en todo forma á Dios n'tro Senor, y una señal de Cruz, de el que ofrecio decir en lo que sepa y sea preguntado y siendo que el contenido del decreto que motiva estas diligencias digo; que concede D. Bernardo Yorba natural de S'ta Ana, sujeto de conocido orden y que las notas que lo hacen agraciable en buenas circunstancias es casado, en segunda nupcias y tiene sus hijos hombres y mugeres; ql. el terreno ql. pretende no pertenece á alguna propiedad, del cual siembra por medio de viego de la agua que saco el rio de Santa Aña, en extension es de cuatro ó mas leguas y una y media de ancho; dicho sujeto tiene mucha abundancia de bienes de campo, tanto de ganado como de caballada, ql. esta es la verdad á cargo de juram'to en que se afirmó y ratificó les da que le fué la espo'cion espresado ser mayor de 38 años, y casado y natural de S'a Aña, y lo firmo con migo y los testigos de acistencia, segun derecho.

JOSE PEREZ.

Ass'a: MANUEL ANZAGA,
Ass'a: VICENTE MORRAGA.

Concluida la presente informacion remitase al conocimiento del S'or Gefé Superior Politico, segun ordena de su decreto fecha do del pasado para los fines que sean consiguientes. José Perez, Alcalde Const'l de este pueblo de los Angeles, asi lo acordé, mandé y firmé, con los testigos de asistencia. Segun derecho.

JOSE PEREZ,
MANUEL ANZAGA,
VICENTE MORRAGA.

Van estas diligencias en papel comun por no haber en este Pueblo del ql. corresponde ni de ningun otro.

MORR.
JOSE PEREZ.

[*For map see original, between pages 25 & 26.*]

Sello Tercero—Dos Reales.

Habilitado provicionalmente por la administracion de la Aduana Maritima del puerto de Monterey, para los años de mil ochocientos treinta y cuatro y mil ochocientos treinta y cinco.

RAFAEL GONZALES.

FIGUEROA.

MONTEREY, *Julio* 30, *de* 1834.

Vista la peticion con que da principio este espediente el informe de la autoridad municipal del pueblo de los Angeles, y del padre ministro de la mision de San Gabriel, los aparciones de testigos con todo lo demas q. se tribo presente y ver convino; de conformidad con lo dispuesto por las leyes y reglamentos de la materia si declaro, al Ciud'o Bernardo Yorba, dueño en propiedad del paraje nombrado el Cañon de Santa Ana, colindante con la Mision de San Gabriel y rancho de S'ta Ana y Santa Gertrudis, bajo las condiciones q'l se estipulan; dirijase este expediente á la ecelentisima disputacion para la debida aprobacion. El Sor. D. José Figueron, general de brigada del ejercito, Comand'to General, Inspector y Gefé superior politico del territorio de la Alta California, asi lo mando, decreto y firmo, de que doy fée.

JOSE FIGUEROA.
AGUSTIN V. ZAMORANO, *S'rio.*

MONTEREY, *Julio* 30, *de* 1834.

En sesion de este dia acordó la E. Diputacion, pasé este espediente á las comiciones de colonisacion y terrenos baldios.

FIGUEROA.
JOSE M'A MALDONADO,
Secretario.

Ex'mo S'or:

La comision encargada de colonisacion de terrenos baldios, impuesto de este espediente, que se mandé, practicar y presencion que el Ciud'o Bernardo Yorba, hiso del parage nombrado Cañon de S'ta Ana, y no encontrando en el objecion alguna, q'l husen siendo en todo conforme con la ley de 18 de Agosto, de 1824, y el articulo 5 del reglamento de 21 Noviembre, de 1828, ofrese á la deliberacion de esta Ex'ma Diputacion la siguiente proposicion. Se aprueba la concesion hecha al Ciud'o Bernardo Yorba, del paraje nombrado Cañon de S'ta Ana. Monterey, Julio 31, de 1834.

JOSE P. ORTEGA,
CARLOS ANT'O CARILLO,
JOSE R. ESTUDILLO.

MONTEREY, *Febrero* 31, *de* 1834.

Dada cuenta á la E. Diputacion en sesion de hoy con el antecedente dictamen, apruebo la proposicion en que concluye y dice que se aprueba

la concesion hecha al C. Bernardo Yorba del paraje Cañon de S'ta Ana. Y en consecuencia se devuelve el expediente al S. G. Politico por su auto. Monterey, Julio 31, de 1834.

JOSE FIGUEROA.
JOSE MARIA MALDONADO.

Sello Tercero—Dos Reales.

Habilitado provicionalmente por la administracion de la Aduana Maritima de Monterey, p'a los años de mil ochocientos treinta y cuatro y mil ochocientos treinta y cinco.

RAFAEL GONZALES.

FIGUEROA.

MONTEREY, 1*o de Agosto, de* 1834.

En vista del acuerdo de la Ex'ma Diputacion Territorial del dia 31 de Julio de ult'o, del confirmacion del terreno del Cañon de Santa Ana, solicitado por el Ciud'o Bernardo Yorba; librese el titulo respectivo, tomese razon de el en el libro à que corresponde y entreguese al interesado para su resguardo y demas fines. El S. D. José Figueroa, general de brigada, comand'te general inspector y gefé superior politico del territorio de la Alta California, asi lo mandé, decreto y firmé, doy fee.

JOSE FIGUEROA.
AGUSTIN V. ZAMORANO, *S'rio.*

José Figueroa, General de brigada de la republica Mexicana, Comand'te general, Inspector y Gefé superior politico de la Alta California.

Por cuanto al Ciud'o Bernardo Yorba, Mejicano por nacimiento, ha pretendido para su beneficio personal y el de su familia el terreno conocido con el nombre Cañon de S'ta Ana, colindante con la Mision de San Gabriel y rancho de S'ta Ana y S'ta Gertrudis; practicadas previamente las diligencias y averiguaciones concernientes, segun lo dispuesto por leyes y reglamentos de la materia usando de las facultades que me son conferidas á nombre de la nacion Mejicana, y de conformidad con el acuerdo de la Ex'ma Diputacion territorial, del dia 31 de Julio, aprovando la concesion del sitado terreno del Cañon de Santa Ana, echo en decreto de 30 del mismo mes, al referido Ciud'o Bernardo Yorba, ha nombre de la nacion Mejicana, he venido en conferirle la propiedad de el por las presentes letras y sujeto á las condiciones seguientes:

1o. Que se someterá á las que estableciere el reglamento y se le da de formar pa. la distribucion de terrenos baldios, y ql. entretanto ni el agraciado ni sus herederos podran dividir ni enagenar el que se les adjudica, imponer censo, vinculo, fianza, hipoteca ni otro gravamen, aunque sea por causa piadosa ni pasarlo á manos muertas.

2o. Podra cercarlo sin perjudicar las trevesias caminos y servidumbres, lo disfrutará libre y esclusivamente destinandolo al uso o cultivo ql. mas le acomode, pero dentro de un año fabricará casa y estara habitada.

3o. Solicitara del juez respectivo que se le de posecion juridica, en vertud de este despacho por el cual se demarcaran los linderos en cuyos limites pondra á mas de las mohoneras algunos, arboles, frutales, ó silvestres de alguna utilidad.

4o. El terreno de ql. hace mencion es de tres sitios de ganado mayor, segun esplica el diseño ql. corre en el espediente. El juez que diere la posecion lo hara medir conforme á ordenanza para señalar los linderos quedando el sobrante que resulte á la nacion, para los usos convenientes.

5o. Si contraveniere á estas condiciones perdera su derecho al terreno y sera denunciable por otro.

En consecuencia mando que teniendose por firme y valedero este titulo se tome razon de el en el libro, á que corresponda y se entreque al interesado pa. su resguardo y demas fines.

Dado en Monterey, a 1o de Ag'to, de 1834.

JOSE FIGUEROA.
AGUSTIN V. ZAMORANO, *S'rio.*

OFFICE OF THE SURVEYOR GENERAL
OF THE UNITED STATES FOR CALIFORNIA.

I, Samuel D. King, Surveyor General or the United States for the State of California, and, as such, now having in my office and under my charge and control a portion of the archives of the former Spanish and Mexican territory, a department of Upper California, under and by virtue of an act of Congress approved the 5th day of March, 1853, providing for the surveys of public lands of California, and other purposes, do hereby certify that the twenty preceding and hereunto annexed pages of tracing paper, numbered from 1 to 20 inclusive, and each of which is verified by my initials, (S. D. K.) exhibit true and accurate copy of a document on file and forming part of the said archives in this office.

In testimony whereof I have hereunto signed my name officially, and affixed my private seal in lieu of the seal of office, which has not arrived at the city of San Francisco, Cal., this 7th day of July, 1853.

SAMUEL D. KING,
Surveyor G'l California.

Filed in office, Sept. 26th, 1853.

GEO. FISHER, *Sec'y.*

Opinion of the Board.

BERNARDO YORBA
vs.
THE UNITED STATES. } Case No. 387.

"El Cañon de Santa Ana," in the county of Los Angelos.

This is a claim for three leagues of land, founded on a grant made to the claimant by Gov. José Figueroa, on the 1st of August, 1834.

This is one of the very few cases which have come under the observation of the board, in which the requisitions of the Mexican colonization law of August, 1824, and the regulations of Nov. 21st, 1828, appear to have been strictly and literally complied with. The documentary evidence filed in the case shows, that after all the proceedings had been taken, and inquiries made, which were required by the laws and regulations, a decree of concession was made by the governor on the 30th of July, 1834; on the following day the decree was submitted to the territorial deputation for their approbation, and was duly approved by that body, in conformity to which the grant or title in form was issued to the grantee on the 1st of August, 1834; on the 11th day of December of the same year, juridical possession of the land granted was given by the proper officer, in due form of law, and the boundaries designated and defined with unusual accuracy and certainty. So far as appears from the record in this case, this may be considered as perfect title under the Mexican law, investing the grantee with the full legal estate in the premises granted. The only question that could by possibility arise in the case, is in relation to one of the lines of the survey, as described in the act of juridical possession. The survey in this instance, contrary to the almost uniform practice in California, appears to have been made with the aid of a compass, and the first line commencing on the river, and evidently to run with, and bind upon it, calls for the course west 16° south, which appears from the map to be the general direction of the river at that point, but a continuation of the line in its whole extent, in that direction, would leave the river far to the south; this discrepancy, however, is corrected by the evidence of the surveyor himself, taken in the case, which establishes the river as one of the boundaries, as well as by the grant, which refers for a part of the description to the map, on which the river is also delineated as the southern boundary. This, according to the well-established legal doctrine, that course and distance must always yield to a well-defined and well-established natural object or boundary, removes all difficulty on the subject, and fixes that line beyond all doubt. The genuineness of all the original documents in relation to the title and juridical possession is duly proved; it is also in evidence that at the time the juridical possession was given, a little more than four months from the date of the grant, the claimant had a house on the land, in which he lived with his family, and has resided there ever since; that he has had large stocks of cattle, horses, and sheep; he has two vineyards, and has been always one of the most extensive cultivators of land in that section of the country.

Upon a view of the whole case, we consider it one of the best established claims which has been submitted to us for adjudication; a decree of confirmation will accordingly be entered.

Filed in office, Jan. 24th, 1854.

GEO. FISHER, *Secy.*

Decree of Confirmation.

BERNARDO YORBA vs. THE UNITED STATES. } Case No. 387.

"El Cañon de Santa Ana."

In this case, on hearing the proofs and allegations, it is adjudged by the board, that the claim of the petitioner is valid, and it is therefore decreed that the same be confirmed.

The land of which confirmation is made is of three square leagues in extent, a little more or less, situated in the county of Los Angeles, being the same which has been held and occupied by the present claimant, from the year 1834 to the time of filing his petition before this board, and is bounded as follows: Beginning on the bank of the river Santa Ana, near the mouth of the Cañada de los Alisos, and running southwest with the course of said river, and binding thereon fifteen thousand varas; thence north 9° west 5500 varas; thence east 16° north 1400 varas; thence south 40° east 5200 varas, to the point of beginning on the river. Reference for a more particular description to be had to the original grant, the record of juridical possession and map, all of which are on file in the case.

ALPHEUS FELCH,
THOMPSON CAMPBELL,
R. AUG. THOMPSON.

Filed in office, Jan'y 24, 1854.

GEO. FISHER, *Sec'y.*

OFFICE OF THE BOARD OF COMMISSIONERS
To ascertain and settle the private land claims in the State of Cal'a.

I, George Fisher, secretary to the board of commissioners to ascertain and settle the private land claims in the State of California, do hereby certify the foregoing thirty-four pages, numbered from 1 to 34, both inclusive, to contain a true, correct, and full transcript of the record of the proceedings and of the decision of the said board, of the documentary evidence, and of the testimony of the witnesses, upon which the same is founded, on file in this office, in case No. 387 on the docket of the said board, wherein Bernardo Yorba is the claimant against the United States, for the place known by the name of Canada de Santa Anita.

In testimony whereof, I hereunto set my hand and affix my private seal, (not having a seal of office,) at San Francisco, California, this twelfth day of September, A. D. 1854, and of the independence of the United States of America the seventy ninth.

[Priv. Seal.]

GEO. FISHER, *Sec'y.*

[REC. CC, D. T., 1855.]—3

UNITED STATES DISTRICT COURT,
Southern District of California.

CLERK'S OFFICE, LOS ANGELES.

I, Charles E. Carr, clerk of the district court of the United States for the southern district of California, do hereby certify that the foregoing 35 pages, numbered from 1 to 35, both inclusive, contain a full, true, and correct copy of transcript No. 387, filed in this office, wherein Bernardo Yorba is the appellee, and the United States are the appellants, for the place called Cañon de Santa Ana.

In witness whereof, I have hereunto set my hand and affixed the seal of said court, at Los Angeles, California, this 20th day of December, A. D. 1855, and of the independence of the United States of America the eightieth.

[L. S.]

C. E. CARR, *Cl'k.*

UNITED STATES DISTRICT COURT,
Southern District of California.

CLERK'S OFFICE, LOS ANGELES.

BERNARDO YORBA, appellee, ads. THE UNITED STATES, appellant. } Docket No. 89. Transcript No. 387.

Be it remembered, that on the 20th day of September, A. D. 1854, in the district court of the United States for the southern district of California, the following proceedings were had, to wit:

A duly certified transcript of the proceedings and decision, and the papers and evidence upon which the said decision was founded, of the commissioners to ascertain and settle the private land claims in the State of California, when sitting as a board, in the case wherein Bernardo Yorba is the claimant against the United States, for the place named Cañon de Santa Ana, was received and filed and docketed with No. 89, and is as follows, to wit:

(Vide page 1.)

LOS ANGELES, *Jan'y 10th*, 1855.

In case No. 89, Bernardo Yorba, for Cañon de Santa Ana, the notice of appeal from U. S. Attorney General was filed.

(Vide page 1.)

LOS ANGELES, *Aug. 13th*, 1855.

In same case the petition of the United States for review was filed.

(Vide page 1.)

Upon which petition, the following subsequent proceedings were had in their chronological order, to wit:

LOS ANGELES, *Sept.* 19, 1855.

In same case the answer of appellee was filed.

(Vide page 7.)

LOS ANGELES, *Oct. 5, A. D.* 1855.

In same case the espediente of appellee was filed in open court.

(Vide page 9.)

LOS ANGELES, *Oct. 8th*, 1855.

In same case a stipulation was filed.

(Vide page 17.)

LOS ANGELES, *Oct. 9th*, 1855.

In same case the opinion of the court confirming the claim was delivered, and the following decree entered:

(Vide page 18.)

LOS ANGELES, *Oct. 18th*, 1855.

In same case, on motion of P. Ord, U. S. Attorney, the order of appeal was filed.

(Vide page 19.)

Appeal Notice.

OFFICE OF THE ATTORNEY GENERAL OF THE UNITED STATES,
WASHINGTON, *30th November*, 1854.

BERNARDO YORBA
vs.
THE UNITED STATES, } 387.

You will please take notice, that in the above case, decided by the commissioners to ascertain and settle private land claims in the State of California, in favor of the claimant, and a transcript of the proceedings in which was received in this office on the 30th day of August, 1854, the appeal in the district court of the United States for the southern district of California will be prosecuted by the United States.

(Signed) C. CUSHING,
Attorney General.

Filed Jan'y 10th, 1855.
(Signed) C. E. CARR, *Clk.*

In the District Court of the United States for the southern district of California.

LOS ANGELES COUNTY, STATE OF CALIFORNIA.

BERNARDO YORBA
vs.
THE UNITED STATES. } No. 89.—Transcript No. 387.

Petition for Review.

To the honorable Isaac S. K. Ogier, judge of the district court of the United States for the southern district of California.

The petition of Pacificus Ord, (of Los Angeles county,) attorney of the United States for the southern district of California, who petitions

in this behalf for the United States; and being present here in court in his proper person, in the name and behalf of the United States, represents as follows:

That heretofore, to wit, on or about the 9th day of October, A. D. 1852, Bernardo Yorba presented a petition to the commissioners to ascertain and settle private land claims in the State of California, claiming the tract of land called Cañon de Santa Ana, in the county of Los Angeles, in the words and figures following, viz.:

"To the honorable commissioners for ascertaining and settling private land claims in California: Bernardo Yorba respectfully represents, that on the 30th of July, 1834, a concession of land was made to him by José Figueroa, then governor of California, acting under authority of the laws then in force; which concession was in due form approved by the Territorial Deputation on the 31st of July, 1834, and a formal grant of the land, as title, was issued to him on the 1st of August, 1834; that the land thus granted is called the 'Cañon de Sta. Ana,' with boundaries defined in the title, containing three leagues, more or less, and is situated in the present county of Los Angeles; that judicial possession of the land was given to him on the 11th of December, 1834. That he has lived upon the land since the date of the grant, or a short time thereafter. He knows of no other claim to any part of the land. He herewith files the original grant and act of judicial possession, marked 'Exhibit A,' with a translation thereof, marked *a*, and relies, in support of his claim, upon said documents and such other evidence as he may hereafter present, and prays the confirmation of his title."

Your petitioner further represents, that thereafter, to wit, on the 24th day of January, A. D. 1854, the said commissioners confirmed, by final decree, the said claim of the said Bernardo Yorba, in the words and figures following, to wit:

"In this case, on hearing the proofs and allegations, it is adjudged by the board that the claim of the petitioner is valid, and it is therefore decreed that the same be confirmed. The land, of which confirmation is made, is of three square leagues in extent, a little more or less, situated in the county of Los Angeles, being the same which has been held and occupied by the present claimant from the year 1834 to the time of filing his petition before this board, and is bounded as follows: Beginning on the bank of the river Santa Ana, near the mouth of the Cañada de los Alisos, and running southwest with the course of said river, and bounding thereon, fifteen thousand varas, thence north 9° west 5,500 varas, thence east 16° north 1,400 varas, thence south 40° east 5,200 varas, to the point of beginning on the river. Reference for a more particular description to be had to the original grant, the record of judicial possession and map, all of which are on file in the case.

ALPHEUS FELCH,
THOMPSON CAMPBELL,
R. AUGT. THOMPSON."

That thereafter, to wit, on the 20th day of September, A. D. 1854, a duly certified transcript of said decree and proceedings, and the

papers and evidence on which it was founded, in said cause, was filed in the office of the clerk of the district court of the United States for the southern district of California, and marked No. 89, (Transcript No. 387;) reference to which it is prayed may be had and made a part of this petition.

That on the 30th day of August, A. D. 1854, the honorable Caleb Cushing, Attorney General of the United States, received a duly certified duplicate of said transcript of said final decree and proceedings of said commissioners in said case, (No. 387,) and the papers and evidence on which said decree was founded.

That thereafter, to wit, on the 10th day of January, A. D. 1855, the said Attorney General of the United States filed, or caused to be filed on behalf of the United States, a notice with said clerk of said district court for the southern district of California, that the appeal in said cause of Bernardo Yorba *vs.* The United States, from the decision of said commissioners to ascertain and settle the private land claims in the State of California, in the district court of the United States for the southern district of California, would be prosecuted by the United States.

Your petitioner further represents, that the said land claimed as aforesaid is within the jurisdiction of this honorable court. And your petitioner further represents and insists, that the said decree of said commissioners is erroneous, and ought to be reviewed, reversed, and set aside for many errors and imperfections of law and evidence, apparent in said certified transcript of said cause, now on appeal from said commissioners to this honorable court.

And your petitioner further represents, that the said claim is invalid, and the said decree erroneous, on the following grounds:

I. And the said attorney denies all and singular each and every allegation in the said petition of the said claimant to said commissioners of said date. And he further denies, that any grant for said land was ever made as alleged in said petition; and he denies, further, that the said claimant has shown any or sufficient evidence of the validity of the said claim.

II. That the alleged grant of José Figueroa was made in violation of the 4th article of the colonization law of Mexico, of the 18th of August, A. D. 1824, in this, that the land granted, as alleged by claimant, was and is within ten leagues of the seacoast; and there is no evidence shown by claimant, that the supreme general executive power of Mexico previously approved of the colonization of the public lands in Upper California, lying within ten leagues of the seacoast; and it is denied that such previous consent of said supreme general executive power of Mexico in such case was ever had.

III. That at the date of said alleged grant, the said land claimed as aforesaid was occupied by, and in the possession of, the missions of the Territory of Upper California, and it was held and occupied particularly by the mission of San Gabriel, and could not therefore be colonized.

IV. That the said alleged grant has not the conditions required by, and is not made in entire conformity with, the laws of Mexico of the 18th day of August, A. D. 1824, and the regulations for the colonization of the territories of Mexico, of the 21st November, A. D. 1828.

V. That the said alleged grant of land by José Figueroa to said claimant, of said date, does not contain any sufficient description of the locality, extent and boundaries, so that it can be identified and surveyed; that the map therein referred to, as shown by the claimant, does not correspond or agree with the description and boundaries of the land as set forth in said alleged grant, and the said alleged grant is vague, indefinite, and void, for uncertainty.

VI. That the measurement and judicial possession of said land, alleged to have been made and given by José Perez, on the 11th of December, 1834, was not made in conformity with the said alleged grant, and the map referred to therein; nor according to the ordinance or law. That the said measurement and possession includes lands not granted in said alleged original concession. That the said alleged act of judicial possession is not upon the lawful stamped paper, and it is vague and indefinite.

VII. That there is no evidence that the said José Perez and Abel Stearns had lawful authority to perform said alleged judicial acts of survey and possession of said land, and it is denied that they had lawful authority to perform said alleged judicial acts.

VIII. That there is no sufficient evidence that the said claimant performed the conditions of the said alleged grant, and it is denied that he performed the conditions of said alleged grant.

IX. That there is no evidence that the said alleged grant was ever approved by the supreme government of Mexico, and it is denied that it was ever approved by said supreme government.

X. That the said claimant shows no definitively valid grant or title for said land, and it is denied that he has, or ever had, a definitively valid grant or title for said land claimed by him as aforesaid, and no sufficient proofs having been made by said claimant of the allegations of his said petition, or in support of his said claim filed as aforesaid, no decree ought to have been made or grounded thereon; but the said petition ought to have been dismissed, and said claim rejected by said commissioners, upon the grounds aforesaid.

And the said claimant having no valid right or title derived from the Spanish or Mexican government to the said lands claimed by him as aforesaid, the lawful right or title in and to the said land was acquired by, and it now belongs to, the said United States, by virtue of the treaty of peace, friendship, limits, and settlement with the republic of Mexico, dated at the city of Gaudaloupe Hidalgo, February 2nd, A. D. 1848.

Wherefore, the said Pacificus Ord, attorney of the United States for the southern district of California, for and in behalf of the United States, by reason of the premises, and in pursuance of the act of Congress entitled "An act to ascertain and settle the private land claims

in the State of California," approved March 3d, A. D. 1851, and the laws and statutes in such case made and provided, prays that the said Bernardo Yorba may be served with a copy of this petition; and that this honorable court will review the said decision or final decree of confirmation of said commissioners to ascertain and settle the private land claims in the State of California, and decide on the validity of the said claim of said Bernardo Yorba, for said land claimed and confirmed as aforesaid; and that the same may be decreed invalid; and all such other orders, judgments, or decrees as may be just, with costs and general relief.

(Signed) P. ORD,
Attorney of the United States for the southern district of California.

Filed August 13th, 1855.
(Signed) C. E. CARR, *Clk.*

IN THE DISTRICT COURT OF THE UNITED STATES,
For the Southern District of California.

BERNARDO YORBA ads. THE UNITED STATES. } No. 89.—Transcript, No. 387.

Answer.

To the honorable Isaac S. K. Ogier, judge of the district court of the United States for the southern district of California.

The answer of Bernardo Yorba, a citizen of the United States, residing in the county of Los Angeles, in the State of California, to the petition of review filed in the above entitled cause, at the suit of the United States against him, praying that a certain final decree of confirmation entered in his favor by the United States land commissioners appointed to ascertain and settle the private land claims in the State of California, in a certain claim for a tract of land called "Cañon de Santa Ana," respectfully represents, that this defendant admits that he did present his petition to the said commissioners for the tract of land described in said petition, and that the said commissioners did enter a final decree of confirmation in his behalf for the said tract of land. And this defendant, further answering, saith, that he claims the said tract of land *claimed* "Cañon de Santa Ana," with the metes and bounds referred to in the transcript from said commissioners relating to his said claim, which transcript was filed in the clerk's office of your honorable court, on the day of , and is hereunto specially referred and made a part of his answer; that he claims the same in virtue of a grant in fee thereof, made to him as set forth in his petition presented to said commissioners, filed in the office of the secretary of the board of the said commissioners on the day of , as appears in said transcript, on the day of , by José Figueroa, then governor of California, by virtue of authority in him vested by law, that the metes and bounds of said claim are accurately defined in the map and judicial survey and pos-

session thereof, both of which appear in said transcript hereunto specially referred, and made a part of this answer.

And this defendant, further answering, saith, that he has faithfully discharged all the conditions imposed upon him by said grant; and he further avers, that his said claim is valid, as appears by the said transcript and the decree of the said commissioners, and as will be made to appear by such further proof as may be taken by order of your honor; and that the final decree of said commissioners is valid according to the laws, usages, and customs of Spain and Mexico, as they existed in California, and according to the treaty of Gaudaloupe Hidalgo, the laws of nations, the principles of equity, and the decisions of the Supreme Court of the United States, as far as they are applicable.

And defendant, further answering, denies all and singular the allegations in plaintiff's petition contained, excepting such as are herein admitted.

And this defendant further avers, that there exists no cause, by reason of anything alleged in said petition, why said final decree should be declared invalid.

Wherefore the defendant prays, that your honor do declare the said final decree of said commissioners, as well as the claim and title of this defendant to the said land, to be valid, that the petition of the United States be dismissed, and for costs and general relief.

(Signed) AGUSTIN OLVERA,
Att'y for Appellee.

Filed Sept. 19, 1855.

C. E. CARR, *Cl'k.*

Espediente.

SUPERIOR POLITICAL CHIEF:

I, Bernardo Yorba, a resident of and permanently established in the rancho of Santa Ana, appertaining to the jurisdiction of the pueblo of Los Angeles, before you in the manner most suitable to my rights, do appear and declare, that having been married in first nuptials, in which wedlock I had three children, called Raimundo, Ynes, and Ramona, on contracting matrimony a second time, on account of the death, (sense incomplete,) for my said three children, some stock or cattle, with which of my lawful property, being (sense incomplete) that I actually possess the same; and being of itself a number which requires (two words illegible) of the small extent of land which we occupy, four children, I am obliged and under the necessity of requesting from your consideration, that you be pleased to grant to me for the benefit of my said three children the land occupied, the place known by the name of Cañon de Santa Ana, bounding with the rancho of the same name, with that of Santa Gertrudis, and with the Mission of San Gabriel, if the whole land is pasturage land, and very broken or hilly, consisting of seven thousand varas from south to north, and seven thousand two hundred and fifty from east to west, with three small watering-places.

Neither is it the property of any one, nor comprehended within the twenty leagues of the border, or ten from the seacoast, which are expressed in the law. For this purpose, I duly accompany the map of the same, which will give you an exact idea of said tract of land, and also from all that I have set forth. Therefore, I request and pray that you will deign to grant my solicitation, after having procured the necessary information, for which favor I shall be thankful. Please admit this on common paper, there being none in this town of the proper stamp.

Pueblo of Los Angeles, February 15th, 1834.

BERNARDO YORBA.

(On the margin of the foregoing petition.)

PUEBLO OF LOS ANGELES, *26th February*, 1834.

In conformity with the law on the subject, let the honorable ayuntamiento of the Pueblo of Los Angeles report whether the petitioner, in this instance, possesses the requisites necessary to his being attended to; whether the tract of land which he solicits is comprehended in the twenty leagues from the border, or ten from the seacoast, expressed in the law of 18th August, 1824; whether it is irrigable, cultivable without irrigation, or pasturage land; whether "it is the property of any private person, corporation, or town, with everything else which may throw light on the subject. This done, let this expediente be passed to the priest minister of the Mission of San Gabriel, that he may report what occurs to him.

Don José Figueroa, General of Brigade, Superior Political Chief of the Territory of Upper California, so ordered, decreed, and signed, which I attest.

(Signed) JOSE FIGUEROA.

PUEBLO OF LOS ANGELES, *March 6th*, 1834.

In virtue of the preceding decree of the Political Chief of this Territory, the Hon. Ayuntamiente reports, that the citizen Bernardo Yorba is a person known for his orderly conduct; that he has all the requisites provided for conferring upon him the favor which he solicits; that the land which he requests is not comprehended in the twenty leagues from the border, nor the ten leagues from the seacoast, expressed in the law of 18th August, 1824; that it is pasture land, with three small watering-places on the same; that it is comprehended as vacant land, there being no domestic animals on it, other than a small number of neat cattle and horses, all of common property—bounding with the ranchos of Santa Ana and Santa Gertrudes, and the Mission of San Gabriel; and this is all that this Ayuntamiento has to report relative to the matter.

JOSE PEREZ.

VICENTE MORAGA, *Secretary.*

MISSION OF SAN GABRIEL, 19*th March*, 1834.

In virtue of the report asked of said Mission, with respect to the place known by the name of Cañon de Santa Ana, bounding with the rancho of Santa Ana, with that of Santa Gertrudes, and with this Mission, I represent that the land solicited by Don Bernardo Yorba is not nor has been vacant land, but occupied by cattle of the Mission, on which the property exists from the time when the Yorbas had no neat cattle, until this date, according to the unanimous testimony of all the neophytes in charge of the rancho of Santa Ana; in consequence of the continued running (corridas) of horses, a small number of cattle have fled to the hills and other places, as is known to the petitioner himself, who can affirm that when the neophytes of this Mission made their order, the Yorba's separated theirs and the Mission as has been related, and remained in pacific possession of said tract of land; besides, the citizen Francisco Feliz, who was encharged by the deceased priest Francisco Sanchez, previous to his death, for the purpose of examining said tract, with the design of establishing a new rancho in the same tract, with the intention that this person should remain as mayordomo in the same, to look after and take care of the abundant number of neat cattle which roamed in the rancho of Santa Ana; and with the sole object of preventing, in part, the great detriment resulting against the Mission by the continued killing of cattle at that place and its neighborhood; the rev'd priest Francisco José Sanchez died, and the business remained (sixteen words illegible) rancho of Santa Ana.

This is all that I have to report in this matter.

FR. THOMAS ESTENAGA.

PUEBLO OF LOS ANGELES, *April 7th*, 1834.

The Hon. Ayuntamiento of this town, in consideration of the preceding report of the reverend father Fr. Thomas Estenaga, minister of the Mission of San Gabriel, in which he contradicts the report made by this body of date 6th March last, has ordered to be set forth, out of respect to its honor and the integrity with which it has acted in this matter, as follows: That the tract of land requested by the citizen Bernardo Yorba is on the footing and in the circumstances set forth in the aforesaid report of 6th March of the present year, and in testimony of the truth, it proceeds to explain that in the year 1824, at the time that the rev'd priest Fr. José Sanchez was minister of said Mission, the mayordomo, Francisco Feliz, undertook, probably by order of said priest, to determine to the Mission that said tract was not its property, (illegible,) the injury that by said (illegible) would result to Peralto, and the aforesaid mayordomo to do this by authority was (illegible) that proves the fact. This (illegible) that (illegible) gives (illegible) necessary, (illegible,) proves positively that the rev'd priest was mistaken in the opinion which he had formed with respect to this tract of land, as is shown by his report.

JOSE PEREZ.
VICENTE MORAGA, *Sect'y*.

MONTEREY, *May* 10*th*, 1834.

Let this pass to the Alcalde of the Pueblo of Los Angeles, before whom Bernardo Yorba will present a judicial inquiry and process of three proper witnesses to be interrogated respecting the following points: 1st. Whether the petitioner is a Mexican citizen by birth; if he is married, and has any children; and if he is of good conduct? 2nd. If the land which he requests is the property of any individual, Mission, town, or corporation; if it is irrigable, cultivable without irrigation, or pasturage land; and what is its extent? 3d. If he has stock or cattle to occupy the land, or a possibility of acquiring the same? This procedure having been complied with, let the espediente be returned, to pass resolution upon it. Don José Figueroa, General of Brigade, Commandant General and Superior Political Chief of Upper California, so ordered, decreed, and signed, which I attest.

JOSE FIGUEROA.
AUGUSTIN V. ZAMORANO, *Secretary*.

PUEBLO OF LOS ANGELES, *June* 9*th*, 1834.

Having received the present expediente; having taken the declaration mentioned in the decree of 10th of last month, and finished the same, let the original be returned to the prefecture for consequent measures. José Perez, constitutional alcalde of the pueblo of Los Angeles, so determined, ordered, and signed, with witnesses actually present, according to law. JOSE PEREZ.

Witness: MANUEL ANZAGA,
Witness: VICENTE MORAGA.

On the same day, month and year, being present the citizen José Seferino Reyes, resident of this place, who, under oath which he made in the usual form of law, by God our Lord and the sign of the cross, under which obligation he promised to speak the truth in what he knew or should be interrogated, and having been interrogated regarding the points contained in the proceeding decree which which was read to him entire, he declared: That he knows the citizen Bernardo Yorba; that he is a native of this Territory, married in second nuptials, and that he has six children, 3 sons and daughters; that his conduct is without fault, and that he is by common fame an honest man; that the tract of land named (Como) is vacant, that it is the property of nobody, is irrigable and watered by the river called of Santa Ana; that the extension of the tract is three or four leagues in length, and one and a half in breadth, a little more or less; that he has sufficient to stock the same both in cattle and horses; that what he declares is the truth, under the oath which he has given, and which he confirmed and ratified after this declaration being read to him, expressing that he is thirty years of age, married and a native of this town, and he did not sign, as he cannot write, and I signed with my witnesses actually present, according to law.
JOSE PEREZ.

Witness: MANUEL ANZAGA,
Witness: VICENTE MORAGA.

On the same date, being present Don Juan Perez, from which person I took oath, which he made in the form prescribed by law, by God our Lord and the sign of the cross, under which obligation he promised to speak the truth in what he knew and should be interrogated, and being interrogated on the points indicated in the decree of the political chief of date 10th of last month, he replied: That Don Bernardo Yorba is a man of good fame and conduct, and is in good circumstances; that he is married at Santa Ana, of which place he is a native; that he has three sons and three daughters; that the tract named the Cañon does not belong to any person, and the crops on the same are sown by said Yorba, which, (illegible) by irrigation, which he makes from the river of Santa Ana; this tract (illegible) may have four leagues in length and one in breadth; that he has a large number of cattle and horses, as in Santa Ana nobody has more stock than Bernardo Yorba; and he declares that what he has said is the truth, under the oath which he has taken, and which he confirmed and ratified after this declaration being read to him. He declared that he is 35 years of age, married, and a native of this town; he did not sign, as he cannot write, and I signed with the witnesses actually present, with whom I act, according to law.

JOSE PEREZ.

Witness: MANUEL ANZAGA,
Witness: VICENTE MORAGA.

On the same day, month and year, being present in this court, and under my charge, Don Seferino Ruiz in person, I administered to him the oath which he gave in due form, by God our Lord and the sign of the cross, by which he promised to speak the truth in what he knew and should be asked, and being interrogated respecting the contents of the decree which has occasioned these proceedings, he declared: That he knew Don Bernardo Yorba, native of Santa Ana, a person of known orderly conduct, and that the standing which makes him worthy of a grant is his good circumstances; he is married in second nuptials, and has sons and daughters; that the land which he solicits is not private property, of which he sows by means of irrigation, by water which he takes from the river of Santa Ana; its extension is four or more leagues, and one and a half in breadth; said individual has great abundance of stock, as well cattle as horses; that this is the truth under the oath which he confirms and ratifies after this declaration being read to him, declaring that he is 31 years of age, married, and a native of Santa Ana; and he signed this with me and the witnesses actually present, according to law.

JOSE PEREZ.

Witness: MANUEL ANZAGA,
Witness: VICENTE MORAGA.

The present judicial inquiry and process being concluded, let it be remitted to the cognizance of the superior political chief, as ordered in his decree of 10th of last month, for subsequent action. I José Perez,

constitutional alcalde of this pueblo of Los Angeles, have so disposed, ordered, and signed, with the witnesses actually present, according to law.

JOSE PEREZ,
MANUEL ANZAGA. VICENTE MORAGA.

These proceedings are written on common paper, there being no stamped paper of the class required, nor of any other class, in this town.

JOSE PEREZ.

Seal Third—Two Reals.

Licensed provisionally by the collectorship of the maritime custom-house of the port of Monterey, for the years one thousand eight hundred and fifty-four, and one thousand eight hundred and thirty-five.

RAFAEL GONZALEZ.

FIGUEROA.

MONTEREY, *July 30th*, 1834.

In view of the petition with which this espediente commences, the report of the municipal authority of the pueblo de Los Angeles, and of the priest minister of the mission of San Gabriel, the declarations of the witnesses, with every thing else which was accorded and was necessary to have in view; in conformity with the requirements of the laws and regulations of the matter, the citizen Bernardo Yorba is declared owner in fee of the tract named the Cañon of Santa Ana, bounding with the mission of San Gabriel, the ranchos of Santa Ana and Santa Gertrudes, under the conditions which are stipulated: Let this expediente be directed to the most excellent deputation for its due approbation: I, Don José Figueroa, general of brigade of the army, commandant general, inspector, and superior political chief of the Territory of Upper California, have so ordered, decreed, and signed, which I attest.

JOSE FIGUEROA,
AGUSTIN V. ZAMORANO, *Secretary*.

MONTEREY, *July 30th*, 1834.

In session of this day, the E. deputation resolved by common consent that this expediente pass to the committee of colonization and vacant lands.

FIGUEROA,
JOSE MA. MALDONADO, *Secretary*.

MOST EXCELLENT SIR: The committee of colonization and vacant lands, having acquired full knowledge of this espediente, which was ordered to be formed, and of the possession which the citizen Bernardo Yorba has had of the tract named Cañon de Santa Ana, and not finding any objections, that (illegible) being in every thing conformable with the law of 18th August, 1824, and article 5th of the regulations

of 21st November, 1828, presents to the deliberation of this most excellent deputation the following proposition: "The grant of the tract called Cañon de Santa Ana, made to the citizen Bernardo Yorba, is approved."

Monterey, July 31st, 1834.

CARLOS ANTO. CARRILLO.

JOSE J. ORTEGA,
JOSE R. ESTUDILLO.

MONTEREY, *February* 31*st*, 1834.

Having informed the E. deputation in session of this day, of the preceding opinion, it approves of, and (illegible) that the grant made to the citizen Bernardo Yorba, of the tract Cañon de Santa Ana, be approved; and consequently the espediente is returned to the superior political chief for his (illegible.)

Monterey, July 31st, 1834.

JOSE FIGUEROA,
JOSE MARIA MALDONADO.

Seal Third—Two Reals.

Licensed provisionally by the collectorship of the maritime custom-house of Monterey, for the years one thousand eight hundred and thirty-four, and one thousand eight hundred and thirty-five.

RAFAEL GONZALEZ.

FIGUEROA.

MONTEREY, 1*st August*, 1834.

In view of the result of the deliberation of the most excellent territorial deputation of 31st July last, for the confirmation of the tract of land of the Cañon de Santa Ana, solicited by the citizen Bernardo Yorba, let the respective title be issued; let the same be recorded in the proper book, and let it be delivered to the party concerned, for his security and other objects. I, Don José Figueroa, general of brigade, commandant general, inspector, and superior political chief of the Territory of Upper California, so ordered, decreed, and signed; I attest.

JOSE FIGUEROA.
AGUSTIN V. ZAMORANO, *Secy.*

José Figueroa, general of brigade of the Mexican republic, commandant general, inspector, and superior political chief of Upper California.

Whereas, the citizen, Bernardo Yorba, a Mexican by birth, has solicited for his personal benefit, and that of his family, the tract of land known by the name of Cañon de Santa Ana, bounding with the Mission of San Gabriel, and the ranchos of Santa Ana y Santa Gertrudes; the necessary proceedings having been previously taken, and the corresponding investigations made as required by the laws and regulations of the matter, in exercise of the powers conferred upon me, in the name of the Mexican nation, and in conformity with the resolution of the most excellent territorial deputation, of date 31st July, approving

of the grant of said tract of the Cañon de Santa Ana, made by decree of 30th of the same month, to the citizen Bernardo Yorba, in the name of the Mexican nation: I have granted to him the same in fee, by these presents, subject to the following conditions:

1st. That he shall submit himself to those which may be established by the regulations to be formed for the distribution of vacant lands, and that, in the mean time, neither the grantee nor his heirs shall have power to divide or alienate what is adjudicated to them, impose on it any quit-rent or annuity, entail, reversion or security, mortgage nor other encumbrance, even though for pious purposes, nor convey the same to mortmain.

2nd. He may enclose it without detriment to the cross-ways, roads, and servitudes; he shall enjoy, enjoy it freely and exclusively, applying it to the use or cultivation which may most suit him, but, within one year, he shall build a house, and it shall be inhabited.

3d. He shall solicit from the proper judge, that he give him judicial possession in virtue of this patent, by which the boundaries shall be marked out, in the limits of which, besides the land-marks (or monuments,) he shall plant some fruit trees or forest trees of some utility.

4th. The tract of land mentioned consists of three siteos de ganado mayor, (square leagues,) as explained in the map attached to the expediente. The judge who may give possession shall cause it to be measured agreeably to the ordinance for the making of boundaries, the surplus (or sobrante) which may result to remain to the nation for the purposes which may be expedient.

5th. If he should violate these conditions he shall lose his right to the land, and it shall be fit to be denounced by another person.

Wherefore, I order that, holding this title as firm and valid, it be recorded in the proper book, and delivered to the party concerned for his security and other objects.

Given at Monterey, the 1st of August, 1834.

JOSÉ FIGUEROA.

AGUSTIN V. ZAMORANO, *Sec'y.*

Filed in open court, October 5th, A. D. 1855.

C. E. CARR, *Cl'k*,

By JNO. W. ROSS, *Dep'y.*

District Court of the United States, southern district of California.

BERNARDO YORBA, appellee,
vs.
THE UNITED STATES, appellant. } No. 89.—Cañon de Santa Ana.

Admission by Att'y for Appellee.

On the trial of this cause in open court, it is hereby admitted by Myron Norton, attorney for the appellee, that the lands claimed and described in this case are situated in the county of Los Angeles, and southern district of the State of California, and within the jurisdiction of this court, and that the transcript from the land commissioners was

received by the United States Attorney General at the time, as alleged in petition for review; and further, that the transcript was filed in the clerk's office of this court, and the notice of the intention of the United States to prosecute the appeal in this case was also filed in said clerk's office, as alleged in said petition for review.

MYRON NORTON,
Att'y for Appellee.

Filed Oct'r 8th, 1855. C. E. CARR, *Clerk*,
By JOHN W. ROSS, *Dep'ty*.

UNITED STATES, appel't,
vs.
BERNARDO YORBA, appel'e. } No. 89.—"Cañon de Santa Ana."

Decree.

This cause coming on to be heard, at a special term of this court, on an appeal from the final decision of the commissioners to ascertain and settle private land claims in the State of California, under the act of Congress approved March 3d, 1851, upon the transcript of the decision and proceedings, and the papers and evidence on which said decision was founded, and on additional testimony taken in this court; and it appearing that said transcript has been duly filed according to law, and counsel for the respective parties having been heard: It is ordered, adjudged and decreed, that the decision of the said commissioners be affirmed, and that the claim of the said Bernardo Yorba to the land described in the grant in this case is a good and valid claim, and the same is hereby confirmed, to the extent of three square leagues. Provided, that the said quantity of three square leagues be contained within the limits called for in said grant, and the map to which it refers; but if there be less than said less-named quantity, then the claim of said appellee to said less quantity is hereby confirmed.

ISAAC S. K. OGIER,
U. S. Dist. Judge for the Southern Dist. Cal.

Filed Oct. 9th, 1855. C. E. CARR, *Cl'k.*

Filed Oct. 9th, 1855.
(Signed) C. E. CARR, *Cl'k.*

In the United States District Court for the southern district of California.

Special Term, Los Angeles, Sept., 1855.

BERNARDO YORBA, app.,
ads.
THE UNITED STATES, app't. } No. 89.—Transcript No. 387.

Appeal Notice.

On motion of P. Ord, attorney of the United States for the southern district of California, it is ordered by the court, that an appeal be

granted the United States to the Supreme Court of the United States, from the judgment of this court against the United States, on or about the 9th day of October, A. D. 1855.

(Signed) P. ORD,
U. S. Dist. Att'y.

Filed October 18th, 1855.

C. E. CARR, *Clerk.*
By J. W. ROSS, *Dep'y.*

UNITED STATES DISTRICT COURT,
Southern district of California.

CLERK'S OFFICE, LOS ANGELES.

I, Charles E. Carr, clerk of the district court of the United States for the southern district of California, do hereby certify the foregoing 19 pages, numbered 1 to 19, both inclusive, to contain a true, correct, and full transcript of the record of the proceedings and of the decision of the said court, of the documentary evidence, and of testimony of witnesses upon which the same is founded, on file in this office, in case No. 89 on the docket of the said court, wherein Bernardo Yorba is appellee, and the United States are appellants, for Cañon de Santa Ana.

In testimony whereof, I have hereunto set my hand and affixed the seal of said court, at Los Angeles, California, this twentieth day of December, A. D. 1855, and of the independence of the United States of America the eightieth.

[L. S.]

C. E. CARR, *Cl'k.*